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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,567	04/09/2001	Katsuo Ito		6500

7590

11/07/2003

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EXAMINER

SCHIFFMAN, JORI

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,567

Applicant(s)

ITO, KATSUO

Examiner

Jori R. Schiffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Appeal***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (US 1179449) in view of Karitzky (1374924).

Regarding claim 4, Newhall discloses an improved board anchor for securing a board to a wall member 14, the wall member having an opening 20 formed therethrough, the board anchor comprising a threaded shaft 3 having a longitudinal axis, a freely rotating anchor section 2 attached to the screw shaft, the anchor section comprising a channel shaped member having spaced apart, downwardly extending flange portions 13, each flange portion having a shaped opening 8 formed therein, a rotatable threaded attachment ring 5, the threaded shaft 3 being threadedly coupled to the attachment ring prior to the insertion of the anchor portion within the wall member opening, the attachment ring protrusions and shaped openings enabling the threaded shaft to be initially positioned substantially parallel to the longitudinal axis within the wall member and repositioning the anchor section to a first position substantially perpendicular to the screw shaft longitudinal axis after exiting the wall member, the shaped openings and attachment ring acting together to lock the anchor section in the first position. Newhall

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fails to disclose the attachment ring having first and second protrusions formed on the perimeter of the ring, the protrusions adapted to engage the corresponding opening formed on the anchor section. Karitzky teaches the equivalence of corners (Figs. 3 and 6) and protrusions (Fig. 7) on an attachment ring to more securely fasten the attachment ring on the anchor section. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include first and second protrusions on the perimeter of the attachment ring of Newhall as disclosed in Karitzky to prevent the attachment ring from inadvertently becoming loose from the shaped openings of the anchor section. This more secure connection would ensure that the boar anchor stays in place once installed.

3. Claims 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (US 1179449) in view of Karitzky (1374924) as applied to claim 4 above, and further in view of Place (US 2144895).

As to claim 6, modified Newhall discloses the claimed toggle bolt except for the anchor section having an elongated portion with a threaded hole. Place teaches an elongated portion 6 with a threaded opening 4 adapted to engage the threaded screw shaft to perform a self-locking action (col. 4, l. 19-24). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the anchor of Newhall's toggle bolt to have an elongated portion and threaded hole as disclosed in Place so the screw can tightly engage with the opening and perform a self-locking action, and so it will stay in place once installed.

Referring to claim 7, modified Newhall discloses the shaped openings 8 and attachment ring protrusions functioning to position the anchor section substantially perpendicular to the screw shaft longitudinal axis so that the threaded hole in the attachment ring and elongated portion of the anchor section are aligned as the threaded shaft is rotated such that a portion of the threaded shaft extends through the aligned holes.

In regards to claim 8, modified Newhall discloses the shaped openings limiting the angular rotation of the attachment ring relative to the anchor section to substantially 90°.

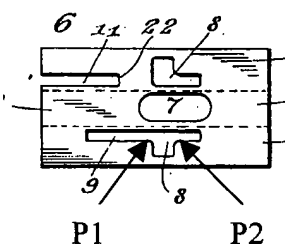
4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (US 1179449) in view of Karitzky (1374924) and Place (US 2144895) as applied to claim 7 above, and further in view of Gelpcke (US 2567372).

Regarding the claims, modified Newhall disclosed the claimed toggle bolt except for a bushing mounted on the outer circumference of the shaft and positioned in the opening of the wall when the anchor is secured. Gelpcke teaches a bushing 8 mounted on the outer circumference of the shaft 5 and positioned in the opening of the wall when the anchor is secured. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a bushing on the outer circumference of the shaft of modified Newhall as disclosed by Gelpcke to help guide the threaded shaft through the opening in the wall.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (US 1179449) in view of Karitzky (1374924) and Place (US 2144895) as applied to claim 7 above, and further in view of Newhall (US 1084289).

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As to claim 11, modified Newhall discloses the claimed toggle bolt except for the shaped openings being formed by first and second spaced apart protrusions extending into a cavity. Newhall teaches shaped openings formed by first and second spaced apart protrusions, labeled as P1 and P2 in the Figure below, extending into a cavity 8. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the shaped openings of modified Newhall to that disclosed in Newhall for an alternate way of securing the attachment ring onto the anchor section.



Referring to claim 12, modified Newhall discloses sufficient space between the first and second protrusions to enable the attachment ring protrusions to extend therebetween, limiting the angular rotation of the attachment ring protrusions.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

Jori R. Schiffman  
Examiner  
Art Unit 3679

JS



Lynne H. Browne  
Supervisory Patent Examiner  
Technology Center 3679